

HOUSE BILL 2158

By Bunch

AN ACT to enact the "Tennessee 21st Century Media Market Responsibility Act of 2000".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act may be cited as the "Tennessee 21st Century Media Market Responsibility Act of 2000".

SECTION 2. System for Labeling Violent Content in Audio and Visual Media Products.

(a) It is the intent of the general assembly, and the purpose of this act, to provide for the establishment, use, and enforcement of a consistent and comprehensive system for labeling violent content in audio and visual media products (including labeling of such products in the advertisements for such products), whereby:

(1) The public may be adequately informed of:

(A) The nature, context, and intensity of depictions of violence in audio and visual media products; and

(B) Matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages; and

(2) The public may be assured of:

(A) The accuracy and consistency of the system in labeling the nature, context, and intensity of depictions of violence in audio and visual media products; and

(B) The accuracy and consistency of the system in providing information on matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages.

(b) Manufacturers, producers, sellers and any other providers to the public of interactive video game products and services, video program products, motion picture products, and sound recording products may submit to the Joint Committee on Children and Youth of the Tennessee General Assembly and the Department of Children's Services a joint proposal for a system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products.

(c) A system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products under this section shall meet the following requirements:

(1) The label of a product or service shall consist of a single label which:

(A) Takes into account the nature, context, and intensity of the depictions of violence in the product or service; and

(B) Assesses the totality of all depictions of violence in the product or service.

(2) The label of a product or service shall specify a minimum age in years for the purchase, viewing, listening to, use, or consumption of the product or service in light of the totality of all depictions of violence in the product or service.

(3) The format of the label for products and services shall:

(A) Incorporate each label provided for under subdivisions (1) and (2);

(B) Include a symbol or icon, and written text; and

(C) Be identical for each given label provided under subdivisions (1) and (2), regardless of the type of product or service involved.

(4) In the case of a product or service sold in a box, carton, sleeve, or other container, the label shall appear on the box, carton, sleeve, or container in a conspicuous manner.

(5) In the case of a product or service that is intended to be viewed, the label shall:

(A) Appear before the commencement of the product or service;

(B) Appear in both visual and audio form; and

(C) Appear in visual form for at least five (5) seconds.

(6) Any advertisement for a product or service shall include a label of the product or service in accordance with the applicable provisions of this subsection.

(d)(1)

(A) If the manufacturers, producers, sellers or providers referred to in subsection (b) submit to the Joint Committee on

Children and Youth and the Department of Children's Services a proposal for a labeling system referred to in that subsection not later than one hundred eighty (180) days after the date of the enactment of the "Tennessee 21st Century Media Market Responsibility Act of 2000," the committee shall review the labeling system contained in the proposal to determine whether the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in this act.

(B) Not later than one hundred eighty (180) days after commencing a review of the proposal for a labeling system under subdivision (A), the committee and the department shall issue a labeling system for purposes of this section. The labeling system issued under this subparagraph may include such modifications of the proposal as the committee and the department consider appropriate in order to assure that the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in this act.

(2)

(A) If the manufacturers and producers referred to in subsection (a) do not submit to the committee and the department a proposal for a labeling system referred to in that subsection within the time provided under subdivision (1)(A), the committee and the department shall prescribe regulations to establish a labeling system for purposes of this section that meets the requirements set forth in subsection (c).

(B) Any regulations under subdivisions (A) shall be prescribed not later than one (1) year after the date of the enactment of the "Tennessee 21st Century Media Market Responsibility Act of 2000."

(e) Commencing one (1) year after the date of the enactment of the "Tennessee 21st Century Media Market Responsibility Market Act of 2000," a person may not manufacture or produce for sale or distribution in commerce, package for sale or distribution in commerce, or sell or distribute in commerce any interactive video game product or service, video program product, motion picture product, or sound recording product unless the product or service bears a label in accordance with the labeling system issued or prescribed by this act under subsection (d) which:

(1) Is appropriate for the nature, context, and intensity of the depictions of violence in the product or service; and

(2) Specifies an appropriate minimum age in years for purchasers and consumers of the product or service.

(f) Commencing one (1) year after the date of the enactment of the "Tennessee 21st Century Media Market Responsibility Act of 2000," a person may not sell in commerce an interactive video game product or service, video program product, motion picture product, or sound recording product to an individual whose age in years is less than the age specified as the minimum age in years for a purchaser and consumer of the product or service, as the case may be, under the labeling system issued or prescribed by this act under subsection (d).

(g) The Consumer Division of the Office of the Attorney General and Reporter shall have the authority to receive and investigate allegations that an

interactive video game product or service, video program product, motion picture product, or sound recording product does not bear a label under the labeling system issued or prescribed by this act under subsection (d) that is appropriate for the product or service, as the case may be, given the nature, context, and intensity of the depictions of violence in the product or service.

(h) Any person who violates subsection (e) of Section 2 of this act shall be subject to a civil penalty in an amount not to exceed one thousand dollars (\$1,000) for each such violation. In the case of an interactive video game product or service, video program product, motion picture product, or sound recording product determined to violate subsection (e), each day from the date of the commencement of sale or distribution of the product or service, as the case may be, to the date of the determination of the violation shall constitute a separate violation of subsection (e), and all such violations shall be aggregated for purposes of determining the total liability of the manufacturer or producer of the product or service, as the case may be, for such violations under that subsection.

SECTION 3. The commissioner of the department of children's services is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. This act shall take effect January 1, 2001, the public welfare requiring it.